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Attorney for CENLAR FSB, SERVICER FOR MATRIX FINANCIAL SERVICES CORPORATION ITS  
ASSIGNS AND/OR SUCCESSORS IN INTEREST

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE:	§	CASE NO. 17-11585-HCM-7
	§	
DAVID R. CHRISTENSEN and	§	
LISA M. CHRISTENSEN,	§	
Debtor	§	CHAPTER 7
	§	
CENLAR FSB, SERVICER FOR	§	
MATRIX FINANCIAL SERVICES	§	
CORPORATION ITS ASSIGNS	§	
AND/OR SUCCESSORS IN	§	
INTEREST,	§	
Movant	§	HEARING DATE: _____
	§	
v.	§	TIME: _____
	§	
DAVID R. CHRISTENSEN and	§	
LISA M. CHRISTENSEN; RON	§	
SATIJA, Trustee	§	
Respondents	§	JUDGE H. CHRISTOPHER MOTT

**MOTION OF CENLAR FSB, SERVICER FOR MATRIX FINANCIAL SERVICES  
CORPORATION ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST  
FOR RELIEF FROM STAY OF ACTION AGAINST DEBTOR(S) REGARDING  
PROPERTY LOCATED AT 11711 304TH AVE, TREVOR, WI 53179 PURSUANT TO  
11 U.S.C. § 362(a) AND WAIVER OF THIRTY DAY REQUIREMENT PURSUANT  
TO  
§ 362(e)**

## **NOTICE**

**This pleading requests relief that may be adverse to your interests.**

**If no timely response is filed within fourteen (14) days from the date of service, the relief requested herein may be granted without a hearing being held.**

**A timely filed response is necessary for a hearing to be held.**

## **WAIVER OF THIRTY DAY REQUIREMENT**

**Movant desires to waive the requirement of a Hearing within thirty (30) days under §362(e) and requests a Hearing at the next available date.**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant, CENLAR FSB, SERVICER FOR MATRIX FINANCIAL SERVICES CORPORATION ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST, by and through the undersigned attorney, and moves the Court as follows:

1. This Motion is brought pursuant to 11 U.S.C. §362(d) in accordance with Rule 4001 of the Bankruptcy Rules.
2. On or about December 22, 2017, Debtors (hereinafter "Debtor") filed a petition for an order of relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C.
3. At the time of filing the Chapter 7 petition, Movant held a Note executed on September 30, 2016, by DAVID R. CHRISTENSEN and LISA M. CHRISTENSEN in the original amount of TWO HUNDRED TWENTY-FOUR THOUSAND TWO HUNDRED DOLLARS AND ZERO CENTS (\$224,200.00) with interest thereon at the rate of 4.250% per annum. A true and correct copy of the Note is attached hereto as Exhibit "A".
4. The indebtedness is secured by a Mortgage dated September 30, 2016 and

executed by DAVID R. CHRISTENSEN and LISA M. CHRISTENSEN on real estate with all improvements known as:

PART OF GOVERNMENT LOTS 1 AND 2 IN SECTION 31, TOWNSHIP 1 NORTH, RANGE 20 EAST OF THE FOURTH PRINCIPAL MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF ANTIOCH ROAD (C.T.H. "B" WITH THE EAST-WEST 1/4 SECTION LINE OF SECTION 31 (SAID POINT BEING THE PLACE OF BEGINNING OF LANDS DESCRIBED IN VOLUME 729, PAGE 462; THENCE NORTH 1 DEGREES 33' EAST, 1314.12 FEET ALONG SAID CENTERLINE TO THE SOUTHWEST CORNER OF CSM NO. 162; THENCE SOUTH 88 DEGREES 27' EAST, 406.93 FEET ALONG THE SOUTH LINE OF CSM 162 TO SOUTHWEST CORNER THEREOF AND THE PLACE OF BEGINNING OF PARCEL OF LAND HEREINAFTER DESCRIBED: THENCE NORTH 0 DEGREES 58' EAST, 133.82 FEET TO THE NORTHEAST CORNER OF CSM 162; THENCE SOUTH 86 DEGREES 47' WEST, 187.67 FEET ALONG THE NORTH LINE OF CSM 162 TO THE SOUTHWEST CORNER OF CSM 28; THENCE NORTH 2 DEGREES 41' WEST, 92.16 FEET ALONG THE EAST LINE OF CSM 28; THENCE NORTH 36 DEGREES 12' WEST, 25.33 FEET ALONG THE NORTHEASTERLY LINE OF CSM 28; THENCE NORTH 87 DEGREES WEST 196.32 FEET TO THE NORTHWEST CORNER OF CSM 28; THENCE NORTH 1 DEGREES 33' EAST, 211.11 FEET ALONG CENTERLINE OF C.T.H. "B"; THENCE SOUTH 88 DEGREES 27' EAST, 178.08 FEET; THENCE NORTH 1 DEGREE 33' EAST, 32.69 FEET; THENCE SOUTH 50 DEGREES 39' 40" EAST, (RECORDED AS SOUTH 50 DEGREES 45 EAST), 609.72 FEET; THENCE NORTH 88 DEGREES 27' WEST, 252.93 FEET TO THE PLACE OF BEGINNING. SUBJECT TO RIGHTS OF THE PUBLIC OVER THE WESTERLY SIDE FOR HIGHWAY PURPOSES. SAID LAND BEING IN THE TOWN OF SALEM, COUNTY OF KENOSHA, STATE OF WISCONSIN.

COMMONLY KNOWN AS **11711 304TH AVE, TREVOR, WI 53179.**

A true and correct copy of the Mortgage is attached hereto as Exhibit "B".

5. Prior to the filing of the petition, Debtor was indebted to Movant according to the terms and conditions of the Note and Mortgage. Debtor have failed to maintain current the payments due under the note and are presently in arrears for 9 payments through and including the January 01, 2018 payment.

6. The outstanding indebtedness to Movant is \$222,194.07 principal plus accrued interest, late charges, attorneys fees and costs as provided in the Note and Mortgage.

7. In accordance with the terms of the Note and Mortgage, Movant would allege that it is entitled to reasonable post-petition attorneys fees, including, but not limited to, fees, if any, for the preparation and filing of a proof of claim and fees and costs for the filing of this Motion for Relief from Stay.

8. Debtor have failed to provide adequate protection to Movant which constitutes cause to terminate the automatic stay of 11 U.S.C. §362(a).

9. By reason of the foregoing, Movant requests the Court to terminate the stay so Movant may proceed to foreclose in accordance with its Note and Mortgage.

10. Movant reserves the right to assert an 11 U.S.C. § 362(d)(2) Cause of Action, if appropriate, at the hearing on Movant's Motion for Relief.

11. The provision of Rule 4001 (a) (3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

WHEREFORE, Movant prays that this Court enter an order, after notice and hearing, terminating the automatic stay as to Movant; alternatively, Movant be made whole by having all payments brought current. Movant further prays that the Court waive the provision of Rule 4001 (a) (3) and that CENLAR FSB, SERVICER FOR MATRIX FINANCIAL SERVICES CORPORATION ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST be permitted to immediately enforce and implement any order granting relief from the automatic stay; that Movant be awarded its reasonable post-petition attorneys fees and expenses for this Motion; and, that Movant be granted such other and further relief as is just.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

BY: /s/ PAUL KIM

PAUL KIM

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ATTORNEY FOR MOVANT

**CERTIFICATE OF SERVICE**

I hereby certify that on January 31, 2018, a true and correct copy of the foregoing Motion for Relief from Stay was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

/s/ PAUL KIM

01/31/2018

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ATTORNEY FOR MOVANT

**DEBTORS:**

DAVID R. CHRISTENSEN  
1100 S KENNEY FORT BLVD APT 928  
ROUND ROCK, TX 78665-2033

DAVID R. CHRISTENSEN  
11711 304TH AVE  
TREVOR, WI 53179

LISA M. CHRISTENSEN  
1100 S. KENNEY FORT BLVD.  
ROUND ROCK, TX 78665

LISA M. CHRISTENSEN  
11711 304TH AVE  
TREVOR, WI 53179

**TRUSTEE:**

RON SATIJA  
P. O. BOX 660208  
AUSTIN, TX 78766

**US TRUSTEE:**

515 RUSK STREET  
SUITE 3516  
HOUSTON, TX 77002

**DEBTOR'S ATTORNEY:**

GLEN L. WORK  
108 EAST BAGDAD AVE.  
SUITE 300  
ROUND ROCK, TX 78664

**PARTIES IN INTEREST:**

INTERNAL REVENUE SERVICE  
PO BOX 7346  
PHILADELPHIA, PA 19101-7346

**PARTIES REQUESTING NOTICE:**

None